

[1]

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH**

S.B. CRIMINAL MISC. PETITION NO.986/99

Mohd. Yakub Hussain

Versus

Mst. Aysha

DATE OF ORDER :: 27/09/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. N.A. Naqvi, for petitioner

Mr. Abdul Rahim Khan for Mr. Abdul Kalam, for
respondent

* * *

Instant petition has been filed assailing the order dated 4th September, 1997 whereby application filed by respondent u/s.3 of Muslim Woman [Protection of Rights and Divorce] Act, 1986 seeking amount of mehar was allowed - against which petitioner preferred revision petition which was dismissed on 18th September, 1999.

Basic bone of contention advanced by counsel for petitioner is that once respondent has relinquished her right to claim mehar on the basis of document D-1 dated 25th July, 1993, which was accepted by learned trial Judge and her signatures & so also of independent witnesses were not disputed, still direction to pay mehar to respondent herein, is not legally sustainable and error was committed by Court of Revision also while passing order dated 18th September, 1999.

[2]

Counsel for respondent while supporting the order submits that both the courts below have examined in detail and arrived to a conclusion that she is entitled to claim mehar in the facts of instant case, therefore, no error has been committed which may call for interference.

I have heard counsel for parties and perused the order impugned.

Learned trial Judge while examining the document D-1 dated 25th July, 1993 has given cogent reasons while holding that respondent, who was former wife of petitioner, was entitled for mehar to which she was entitled under law and the Court of Revision has also examined the same in detail and affirmed the finding recorded under order impugned.

This court has gone through the finding recorded and does not find any infirmity which may call for interference. Even otherwise what is being ultimately paid in the form of mehar to her wife, which she was otherwise entitled for under law.

Consequently, the misc. petition fails and is hereby dismissed. Record be sent back to trial court.

[AJAY RASTOGI], J.